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C O N F I D E N T I A L DHAKA 002401

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SUBJECT: OPPOSITION REJECTS NEW CHIEF ELECTION COMMISSIONER

Classified By: P/E Counselor D.C. McCullough, Reason: 1.4 b

1. (U) On May 23, the BNP government appointed Justice M.A.Aziz as Chief Election Commissioner (CEC) to replace M.A. Syed whose tenure ended May 22. Aziz is the ninth Chief Election Commissioner since independence and a member of the Appellate Division of the Supreme Court. According to media reports, he does not have to give up his seat on the Supreme Court while CEC. Aziz previously served in 2004 as chairman of the leadership search committee for the Anti-Corruption Commission.

2. (SBU) The Awami League (AL) and other opposition parties rejected the appointment, objecting that they were not consulted prior to the appointment. Saber Chowdhury, Political Secretary to Shiekh Hasina, complained to us that the AL, when it was in power, twice invited the then opposition BNP for consultations on the selection of the CEC but were rebuffed. Ahktar Ahktaruzzaman, Organizing Secretary for the AL, when asked what made Justice Azziz

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unfit for the CEC, stated that Azziz "is a BNP man" who had hosted an event where a BNP minister was invited. He said that the AL will "not accept" him and promised there would be unspecified action emphasizing their rejection "after some time."

3. (U) Although there are presently two other election commissioners in the election commission, under the 13th Amendment to the Bangladeshi Constitution, the Chief Election Commissioner can be the sole responsible agent of government for the execution of elections. The Constitution does not specify that there be other election commissioners or specify the number of commissioners.

4. (SBU) Critics point out that the CEC and the executive body of the CEC, the Election Commission Secretariat, need to be independent of political influence, and that under Article 118 (4) of the Bangladeshi Constitution the CEC has sole authority in the conduct of the elections even while it is dependent on other ministries for much of the organizational expertise and manpower. The AL charges that the Prime Minister's Office will take advantage of this dependency in the next election, and that it will call for an independent Secretariat as part of its election reform proposals.

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Ahktaruzzaman claimed that the final election reform proposal will be made public "the day after tomorrow."

5.(C) Comment: Aziz's appointment came as a surprise after the presumed front-runner, World Bank alternate director Dr. Akbar Ali Khan, told reporters he was uninterested in the job. Aziz did not distinguish himself as chairman of the ACC leadership search committee, which took seven months to complete its work and came up with a weak shortlist of names, two of which had to be dropped after negative information surfaced about their past. Aziz, however, has his admirers as a judge, including some within the AL, and the AL's early rejection of his appointment centered on the lack of consultation rather than Aziz as an individual. As the AL labors to show that the electoral framework is hopelessly biased against it, criticism of Aziz and his alleged BNP ties will likely intensify.

THOMAS